

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20034

WAYNE WILSON,

Honorable Sean Cox

Defendant.

ORDER DENYING
DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL

This matter is currently before the Court on Defendant Wayne Wilson's Motion for Judgment of Acquittal pursuant to Federal Rule of Criminal Procedure 29.

In considering a motion for judgment of acquittal under Rule 29, this Court must review the evidence in the light most favorable to the prosecution, and determine whether any rational trier of fact could find the elements of the crime beyond a reasonable doubt. *See United States v. Abner*, 35 F.3d 251, 253 (6th Cir. 1994); *Jackson v. Virginia*, 443 U.S. 307, 324 (1979). In doing so, the Court does not weight the evidence, consider the credibility of witnesses, or substitute its judgment for that of the jury. *United States v. Meyer*, 359 F.3d 820, 826 (6th Cir. 2004).

The Sixth Circuit has explained that a defendant claiming insufficiency of the evidence "bears a very heavy burden." *Abner*, 35 F.3d at 253. Circumstantial evidence alone is sufficient to sustain a conviction. *Meyer*, 359 F.3d at 826.

The Government has indicted Defendant Wilson with Count One (possession to distribute

crack), Count Two (felon in possession of a firearm), Count Three (distribution of crack), Count Four (possession with intent to distribute crack), and Count Five (possession with intent to distribute crack). During trial, the prosecution introduced several exhibits including a handgun, a shotgun, ammunition, crack cocaine, and digital scales with cocaine residue. Police officers testified that they seized these items from various apartments where Defendant Wilson resided. The Government also presented witnesses who testified that Defendant Wilson lived in those apartments, sold crack cocaine, and possessed firearms.

In addition to this evidence, the prosecution has presented a significant amount of additional evidence, which is contained in the record. Viewing all of the evidence in the light most favorable to the prosecution, the Court concludes that a rational trier of fact could find the essential elements of all of the counts beyond a reasonable doubt.

Accordingly, **IT IS ORDERED** that Defendant Wilson's Motion for Judgment of Acquittal is **DENIED**.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: May 14, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 14, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager